SENATE BILL No. 332

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-6-2-1.5; IC 20-10.1.

Synopsis: Pledge of Allegiance, flags, and moment of silence. Requires a United States flag to be displayed in each classroom of a school corporation. Requires a school corporation to provide a daily opportunity for students to voluntarily recite the Pledge of Allegiance. Provides an exemption for students who choose (or whose parents choose for them) not to participate in the Pledge. Requires a school corporation to establish a daily moment of silence in each classroom. Repeals a law allowing an optional brief period of silent prayer or meditation. Requires the attorney general to defend a school corporation in a civil suit based on an act authorized under these provisions.

Effective: July 1, 2005.

Young R Michael

January 11, 2005, read first time and referred to Committee on Education and Career Development.





First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

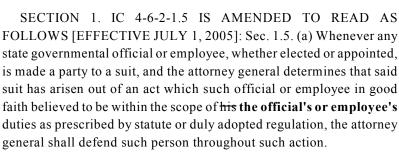
Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

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SENATE BILL No. 332

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:



- (b) Whenever a teacher (as defined in IC 20-6.1-1-8) is made a party to a civil suit, and the attorney general determines that the suit has arisen out of an act that the teacher in good faith believed was within the scope of the teacher's duties in enforcing discipline policies developed under IC 20-8.1-5-2(e), IC 20-8.1-5.1-7, the attorney general shall defend the teacher throughout the action.
- (c) Whenever a school corporation (as defined in IC 20-5-1-3) is made a party to a civil suit and the attorney general determines that the suit has arisen out of an act authorized under



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1	IC 20-10.1-4-0.5 or IC 20-10.1-4-3.5, the attorney general shall
2	defend the school corporation throughout the action.
3	(c) (d) A determination by the attorney general under subsection (a),
4	or (b), or (c) shall not be admitted as evidence in the trial of any such
5	civil action for damages.
6	(d) (e) Nothing in this chapter shall be construed to deprive any
7	such person of his the person's right to select counsel of his the
8	person's own choice at his the person's own expense.
9	SECTION 2. IC 20-10.1-4-0.5 IS ADDED TO THE INDIANA
10	CODE AS A NEW SECTION TO READ AS FOLLOWS
11	[EFFECTIVE JULY 1, 2005]: Sec. 0.5. (a) The United States flag
12	shall be displayed in each classroom of every school in a school
13	corporation.
14	(b) The governing body of each school corporation shall provide
15	a daily opportunity for students of the school corporation to
16	voluntarily recite the Pledge of Allegiance on school grounds. A
17	student is exempt from participation in the Pledge of Allegiance
18	and may not be required to participate in the Pledge of Allegiance
19	if:
20	(1) the student chooses to not participate; or
21	(2) the student's parent chooses to have the student not
22	participate.
23	SECTION 3. IC 20-10.1-4-3.5 IS ADDED TO THE INDIANA
24	CODE AS A NEW SECTION TO READ AS FOLLOWS
25	[EFFECTIVE JULY 1, 2005]: Sec. 3.5. (a) In order that:
26	(1) the right of each student to the free exercise of religion is
27	guaranteed within the schools; and
28	(2) the freedom of each student is subject to the least possible
29	coercion from the state either to engage in or to refrain from
30	religious observation on school grounds;
31	the governing body of each school corporation shall establish the
32	daily observance of a moment of silence in each classroom of the
33	school corporation.
34	(b) During the moment of silence required by subsection (a), the
35	teacher responsible for a classroom shall ensure that all students
36	remain seated or standing and silent and make no distracting
37	display so that each student may, in the exercise of the student's
38	individual choice, meditate, pray, or engage in any other silent
39	activity that does not interfere with, distract, or impede another
40	student in the exercise of the student's individual choice.
41	SECTION 4. IC 20-10.1-7-8 IS AMENDED TO READ AS
42	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. Voluntary Religious



1	Observance = Authorized. A voluntary religious observance is
2	permitted in each school corporation if the school corporation follows
3	sections 9 and 10 and 11 of this chapter and any additional procedures
4	which it adopts to assure that the observance is voluntary.
5	SECTION 5. IC 20-10.1-7-11 IS REPEALED [EFFECTIVE JULY
6	1, 2005].

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